

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TRISTAN SMITH,)
)
)
Plaintiff,) Case No. C09-0095-JCC
)
)
v.)
)
)
RICHARD PENNINGTON, et al.,) ORDER DISMISSING ACTION
)
)
Defendants.)
)

The Court, having reviewed plaintiff's complaint (Dkt. 4), the Report and Recommendation of United States Magistrate Judge Brian A. Tsuchida, and the balance of the record, does hereby ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendants' Motion For Summary Judgment (Dkt. 15) is GRANTED and plaintiff's complaint (Dkt. 4) is DISMISSED with prejudice;
- (3) The Clerk of Court is directed to close the case and send copies of this Order to plaintiff and to Magistrate Judge Brain A. Tsuchida.

DATED this 27th day of July, 2009.

John C. Coyne

John C. Coughenour
UNITED STATES DISTRICT JUDGE